IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10807 of 1996

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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YUSUF M PATEL - Petitioner(s)

Versus

G S R T C - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.

MS BHAVIKA KOTECHA for M R YOGESH S LAKHANI for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 12/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated

29.01.1996 passed by the Labour Court, Surat, in Reference No.91 of 1995, whereby the said reference was rejected.

2.0 The brief facts of the case are that the petitioner herein was working a a Conductor with the respondent Corporation. On 05.10.1994, while the petitioner was on duty, the bus was checked by the checking squad of the respondent and they found certain irregularities in the issuance of tickets. Therefore, charge-sheet was issued and departmental inquiry was held against the petitioner. Since the charges levelled against the petitioner were proved, he was dismissed from service on 30.01.1995.

2.1 Being aggrieved by the said order, the petitioner raised a dispute, which ultimately came to be referred to the Labour Court by way of a reference. The Labour Court, Surat, by impugned order dated 29.01.1996, rejected the said reference. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. The allegations levelled against the petitioner was that he had committed serious irregularities in the issuance of tickets. In the departmental inquiry held against the petitioner, the charges were also proved. In all forty one defaults were

recorded against the petitioner. On earlier occasions, the respondent authority had given the petitioner several opportunities to improve his conduct, but, the petitioner had continued with his misconduct.

3.1 In my opinion, the Labour Court was completely justified in rejecting the reference of the petitioner. I am in complete agreement with the reasonings given by the Labour Court in its impugned order and hence, find no reason to interfere in this petition.

4.0 For the foregoing reasons, this petition is dismissed. The impugned order dated 29.01.1996 passed by the Labour Court, Surat, in Reference No.91 of 1995, is confirmed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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